



TRUTH, JUSTICE AND INFORMATION FOR ALL

THE OFFICIAL NEWSLETTER OF THE COLLIN COUNTY LAW LIBRARY

ISSUE 2016-01

WWW.COLLINCOUNTYTX.GOV

FEBRUARY 2016

Useful Internet Sites and Articles

Changes to the Federal Rules of Civil Procedure May Predict Future Changes to Texas Rules of Civil Procedure

Texas Lawyer, January 25, 2016

As of December 1, 2015, amendments to the Federal Rules of Civil Procedure went into effect. According to the author, Quentin Brogdon, these changes should be noted because “the consistent trend is for changes in federal practice to influence Texas state court practice.” According to Mr. Brogdon the biggest change is to Rule 26(b). The amendment removes the following phrase from the rule: “relevant information need not be admissible at trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” The new rule now requires that discovery “be proportional to the needs of the case” and takes into consideration the following six factors: 1) the importance of the issues at stake in the action; 2) the amount in controversy; 3) the parties’ relative access to relevant information; 4) the parties resources; 5) the importance of the discovery in resolving the issues; and, 6) whether the burden or expense of the proposed discovery outweighs its likely benefit. Notes from the Judicial Conference Advisory Committee on Civil Rules (Notes) state that the change is meant “to encourage judges to be more aggressive in identifying and discouraging discovery overuse.” Rule 26(d) was also amended and now allows service of requests for production a mere 21 days after service of the complaint. Amendments to Rule 34(b) further change discovery by attempting to reduce “gamesmanship and the prolific use of boilerplate objections in responding to document requests.” The responding party must “state with specificity the grounds for objecting to the request, including the reason.” Additionally, the responding party must state whether or not responsive documents are being held back

based on that objection. The Notes provide some examples of acceptable responses to requests for production and suggest that those responses include “a statement that the responding party will limit the search to documents or electronically stored information created within a given period of time prior to the events in suit, or to specified sources.” The responses need not have a detailed description of the documents being withheld. The discovery of electronically stored information (ESI) is also made clearer with these amendments. Rule 37(e) creates a standardized approach to e-discovery sanctions. Rule 37(e) only applies if three conditions are met: 1) ESI should have been preserved in the anticipation or conduct of litigation; 2) the ESI is lost because a party failed to take reasonable steps to preserve it; and 3) the lost ESI cannot be restored or replaced through additional discovery.

There were also multiple rule changes related to expediting cases. Rule 1 requires “the just, speedy, and inexpensive termination of every action and proceeding.” Rule 4 requires dismissal of an action if the complaint is not served within 90 days, rather than 120 days. Rule 16 mandates that the court issue scheduling orders within the earlier of 90 days after service or 60 days after the defendant has appeared, which shortened this deadline by 30 days. Rule 16 also encourages “live case management conferences and omits the previous rule’s reference to such conferences by ‘telephone, mail, or other means.’”

A copy of the amendments to the Federal Rules of Civil Procedure with excerpts and notes from the Reports of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States is available [here](#).



Copies of these articles are available in the library, or from the law librarian via email:
droberts@co.collin.tx.us

**Contact
Information:**

Diane L. Roberts
Law Librarian
Email: droberts@co.collin.tx.us

Bethany Fansler
Assistant
Law Librarian
Email: bfansler@co.collin.tx.us

Hours of Operation:
Monday–Friday
8:00 am–5:00 pm

Spotlight on the Supremes

On November 23, 2015, the Texas Supreme Court ordered the formation of an 18 member Texas Commission to Expand Civil Legal Services. The purpose of the Committee is to “explore means to bring more affordable legal services to small businesses and people who cannot qualify for legal aid.” The Commission, led by former Chief Justice Wallace B. Jefferson, consists of attorneys, judges, law school deans and law school professors. Their mission “is to gather information on initiatives and proposals to expand the availability of civil legal services to low and middle income Texans, to evaluate that information, and to recommend to the Supreme Court of Texas ways to accomplish that expansion.”

Click [here](#) to read the Texas Supreme Court Advisory on the Commission. The Texas Commission to Expand Civil Legal Services has its own [page](#) on the Texas Courts website with additional information about its members and its meetings and agendas.



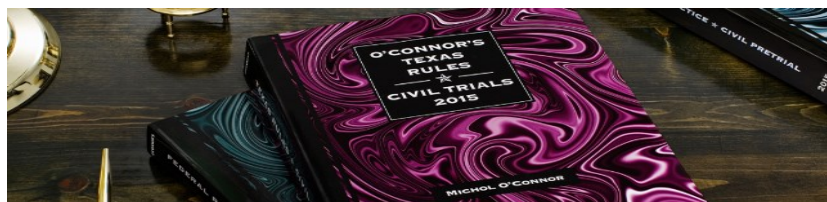
Did You Know?

A recent blog from *Attorney at Work* warns attorneys about the dangers of using unsecured WiFi at public places such as airports, hotels and restaurants. Unsecured WiFi is an easy way for hackers to gain access to confidential information as well as personal information of the attorney and clients. The blog explains some methods hackers use and suggests that attorneys use their mobile device as a hotspot to keep information secure. Click [here](#) to access the full post.



Library Reminders

The current versions of both O'Connor's and Texas Pattern Jury Charges are available at the reference desk. Over the past several months some books have gone missing and others have been misplaced. For this reason, the library staff will be keeping track of the books that are located behind the desk. Please inform the librarians what book you would like to look at and we will pull it for you. Also, these books are not allowed to be checked-out unless it is just for a brief court hearing. There are superseded versions of these books available for 72 hour check out.

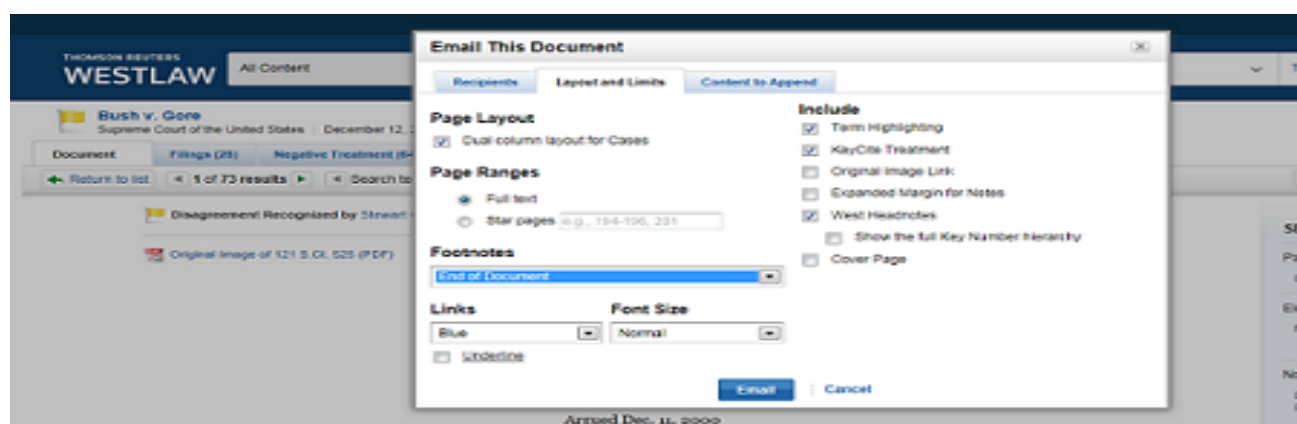


WestlawNext Tips

When printing, emailing or downloading a document from WestlawNext, the user can modify preferences to change the way the document is delivered. Once you have found the case or statute you need, select how the document is to be delivered: print, email or download.



Next, click on the second tab in the dialog box marked **Layout and Limits**. This box allows the user to change the font, page range, location of footnotes and the page layout.



Once the desired modifications are selected the document is ready to be emailed, printed or downloaded with the specified changes.

Tech Tips: More Useful Apps and Law Blogs

- **Genius Scan**—a mobile app available for both iPhone and Android phones. The app scans documents and turns them into a JPEG or PDF file that can be sent as an email or message from the phone. The app is free but additional features that upload the documents to the cloud or DropBox are available for purchase.
- **Shake**— iPhone and Android app featured in the New York Times, LA Times and Above the Law. Multi-purpose app creates contracts on the phone and allows the client to sign directly on the phone.
- **MiniBooks**— an app available for both iPhone and Android. Allows billing to clients straight from the mobile device. There is a time tracking capability and the ability to send both electronic and paper versions of an invoice. Client data is also accessible through the app.
- <http://www.informedlibrarian.com/MobileAppsforLaw/maSearch.asp>—a compilation of some of the best/most helpful mobile apps for attorneys.



The Law Library

will be closed

on Friday,

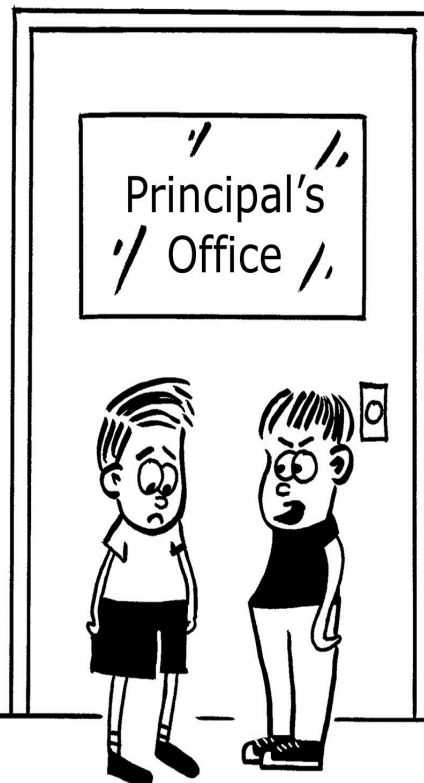
March 25, 2016

for Good Friday.

New on the Shelf:

- Texas Local Government Code, 2016 Edition
- Texas Practice Series Handbook on Texas Discovery Practice, 2015-2016
- Texas Practice Series, Handbook of Texas Family Law, 2015-2016
- West's Texas Family Code, 2016 Edition
- West's Texas Property Code, 2016 Edition
- West's Texas Corporation and Partnership Laws, 2016 Edition
- O'Connor's Texas Employment Codes Plus, 2015-2016
- O'Connor's Texas Real Estate Forms, 2016
- O'Connor's Texas Business & Commerce Code Plus, 2015-2016
- O'Connor's Texas Rules of Evidence Handbook, 2016
- O'Connor's Texas Family Law Handbook, 2016
- O'Connor's Texas Rules Civil Trials, 2016
- Texas Construction Law Manual, 2015-2016
- Police Misconduct Law and Litigation, 3rd Edition
- Vehicle Search Law Deskbook, 2015-2016 Edition
- Texas Law Enforcement Handbook, 2016 Edition

A Little Legal Humor



Apparently you were wrong. The First Amendment doesn't protect our right to publish "Principal Peters is a poopy pants".